

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

DAVID DELL'AQUILA, on behalf of  
himself and all others similarly situated,

Case No. 3:19-cv-00679

Plaintiffs,

v.

Judge William L. Campbell, Jr.

WAYNE LaPIERRE, the NATIONAL  
RIFLE ASSOCIATION OF AMERICA,  
and NRA FOUNDATION, INC.,

Magistrate Jefferey S. Frensley

Defendants.

**MOTION FOR LEAVE TO AMEND COMPLAINT**

The Plaintiff, David Dell'Aquila, by and through his attorney, Elliott J. Schuchardt, files this Motion for Leave to Amend Complaint. In support hereof, the Plaintiff states as follows:

**Background**

1. This is a fraud case. The Plaintiff contends that the Defendants have engaged in a plan to seek donations from a nationwide class of persons, for the purpose of spending such amounts for improper purposes.

2. Defendants have filed motions to dismiss the complaint, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Defendants' motions contend that the complaint does not have adequate specificity.

3. The Plaintiff would like to amend the complaint to add greater specificity concerning (a) the donations made to Defendants, (b) Defendants' fraudulent statements, and (c) Defendants' subsequent conduct. The Plaintiff would also like to add Plaintiffs who are typical of the members of the proposed NRA Class and NRA Foundation Class. Such parties will help to more accurately define and represent such classes.

4. A copy of the proposed amended complaint is attached as Exhibit A.
5. The amended complaint will allow the Court to determine more accurately whether the Plaintiff has sufficient information to meet the pleading requirements for fraud and RICO.
6. Rule 15(a)(2) of the Federal Rules of Civil Procedure authorizes this Court to allow the Plaintiff to file an amended complaint. According to such rule, "the court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2) (2019).
7. Defendants will not be prejudiced by the proposed amendment. This case is only in the pleading stages. None of the Defendants has filed an answer to the complaint.
8. Furthermore, the Plaintiff has not yet filed an amended complaint in response to Defendants' preliminary objections.

WHEREFORE, for the reasons set forth above, the Plaintiff respectfully requests that the Court enter an order authorizing Plaintiff to file an amended complaint in this case.

Respectfully submitted,

By: /s/ Elliott Schuchardt  
Elliott J. Schuchardt  
B.P.R. No. 027016

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*Counsel for the Plaintiff, David  
Dell'Aquila*

**CERTIFICATE OF SERVICE**

I, Elliott J. Schuchardt, hereby certify that I served a true and correct copy of the foregoing Motion for Leave to Amend Complaint on the following persons on this 2nd day of January 2020 by means of the Court's CM / ECF system:

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/s/ Elliott Schuchardt  
Elliott J. Schuchardt